

## *Center for Children's Advocacy*

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### **TESTIMONY OF CO-COUNSEL MARTHA STONE AND DENNIS PARKER, ON BEHALF OF THE SHEFF v. O'NEILL PLAINTIFFS, IN SUPPORT OF THE OPEN CHOICE FUNDING INCENTIVES IN RAISED BILLS 438 and 5487.**

We are submitting this testimony on behalf of the Sheff Plaintiffs in the lawsuit of Sheff v. O'Neill. Martha Stone is Executive Director of the Center for Children's Advocacy, and has been co-counsel in Sheff since its filing in 1989. Dennis Parker is the Director of the Racial Justice Project of the ACLU, and has been co-counsel in the Sheff case for many years. The Sheff Plaintiffs support these bills, but urge this Committee to amend them by adding a provision which authorizes the State Department of Education Commissioner to mandate participation by the suburban districts to supplement the added monetary incentives.

#### **I. THE DEMAND FOR OPEN CHOICE SEATS FAR EXCEEDS THE AVAILABILITY.**

State officials will soon run a lottery determining which Hartford children will be granted the opportunity to receive a quality education in an integrated setting. Too many eagerly awaiting children will be turned away. The extensive waiting list for inter-district choice transfers is a testament to the desire and need for more available suburban seats. 2,418 Hartford children applied to be a part of the Open Choice program for this coming school year in 2010-2011.

Yet sadly, while the Department of Education requested the participating districts to put forth 1,045 new Open Choice seats for next year to help meet this overwhelming demand, to date, the suburban districts have yielded a paltry 59 new seats as of last week—a striking and unacceptable discrepancy. This has occurred despite the fact the State's own School Capacity Study shows significant excess seats available in those districts.

#### **II. OPEN CHOICE HAS BEEN AND IS A SUCCESSFUL REMEDY TO ACHIEVE INTEGRATION AND QUALITY EDUCATION.**

Hartford students who have participated in Open Choice over the years have achieved long-standing success. According to a recent 2007 report on Project Choice conducted by Harvard researchers, and based on the state's own data, Hartford students in Open Choice far outperform their city colleagues. "In addition to the long term benefits of diversity for students and society, there is recent evidence that Hartford students participating in Project Choice are doing better on standardized achievement tests. More than half of Project Choice students are performing at or above proficiency on state standardized tests in both mathematics and reading, rates that are higher than their Hartford Public School peers and black and Latino students statewide. ...The youngest Project Choice students also show impressive academic gains. In the "Early Beginnings" program, an interdistrict kindergarten program (offering half day kindergarten along with a full day enrichment option in selected suburban districts), Hartford students had large gains in language acquisition."

See <http://www.sheffmovement.org/pdf/ProjectChoiceCampaignFinalReport.pdf>

### **III. INCREASING FUNDING INCENTIVES FOR OPEN CHOICE IS NECESSARY TO ACHIEVE THE GOALS OF THE SHEFF STIPULATION AND ORDER**

The Sheff Stipulation and Order approved by the Court and this legislature in June, 2008 required in Year 2 that the state reach a goal of 27% of Hartford students in reduced isolation settings. Over plaintiffs' objection, the Court recently found that the State had met its Year 2 goal but it did so only by relying on Reverse Choice students, most of whom were students of color, coming into the Hartford district. The goal in the State's Comprehensive Management Plan for Year 3 is to reach 35%. Mandated for year 5 in the Stipulation is that the State reach a minimum of 41% of Hartford students in a reduced isolation setting, or 80% of demand.

The Sheff plaintiffs and the Commissioner of Education agree that to fulfill the Connecticut Supreme Court's mandate to reduce racial and ethnic isolation in Hartford's schools, and to meet the requirements of the June 2008 Court Order, the Open Choice Program must be expanded dramatically. The goal for this year for students participating in Open Choice was 1500. **The State fell short of this goal by 237 students.** The fact that only 1263 Hartford students were able to participate was directly related to the failure of the suburban districts to make more seats available. (See Appendix A.) The State's goal in its Comprehensive Management Plan for next year, 2010-11, is for 1,800 children to be educated through the Open Choice program. The State is on target to fall woefully short of this goal, given there are only 59 new seats available as of last week, as indicated above. This will bring the total to 1322, causing a shortfall of almost 500 seats in the absence of any immediate funding incentives.

### **IV. AMENDMENTS TO THE BILLS ARE NEEDED TO INCLUDE THE AUTHORITY OF THE COMMISSIONER OF THE STATE DEPARTMENT OF EDUCATION TO MANDATE SUBURBAN DISTRICTS TO PARTICIPATE IN OPEN CHOICE**

In the absence of amendments to these bills bestowing authority upon the SDE Commissioner to mandate suburban participation in Open Choice, the suburban districts will not willingly and significantly increase their participation through funding incentives alone. The history of Open Choice sadly supports this premise. While an increase in state funding for Choice in 1999 did reverse a 9 year decline, such incentive yielded incremental results and was short-lived. Indeed, in the last five years, 32 suburban districts have made available a total of only 210 seats. In fact, this year, the districts have made available only 59 new seats....75 less seats than last year, evidencing a backslide, despite the Commissioner's efforts and a present court mandate. Given the political realities and complicated board of education's concerns, there is no reason to believe that funding incentives, by themselves, will cause the districts to significantly increase the number of seats necessary to meet the Sheff mandates.

**V. OPEN CHOICE SHOULD BE ONLY ONE OF A NUMBER OF REMEDIES TO MEET THE SHEFF MANDATES**

While the Sheff plaintiffs strongly support these Bills, it should in no way signal that the plaintiff team is abandoning its commitment to the other desegregation options. Nor should the legislature, in strengthening Open Choice, retreat from its commitment to magnet schools. A majority of Hartford's children are still attending racially isolated schools and the integration goals shared by the Sheff plaintiffs and state and local officials can only be reached by employing every voluntary desegregation method available, including opening up new seats in magnet schools. In 2009 alone, over 9,000 children were placed on a waitlist for seats in magnet schools. Studies done by the State Department of Education show that magnets are "raising the educational attainment level of participating students throughout the state through high-quality, racially/economically integrated education," confirming an earlier study by the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, documenting that diverse schools like the magnets in the Hartford metropolitan area result in improved math and reading achievement, improved critical thinking, and reduced racial stereotyping. Commissioner McQuillan's recent testimony before the Appropriations Committee in March, 2010 reinforced that "students who enroll in the inter-district magnet schools are typically outpacing and outperforming their counterparts in the non-magnet schools in their districts."

Instead of relying on any one method, the Commissioner and state legislators should be trying to strengthen all the options, including technical schools, vo-ag schools, magnets, charters, and Open Choice.

Respectfully submitted,



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Public	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Avon									3	15	25	29	36	30	35	37	41	50	48	61
Berlin										4	5	7	10	10	9	11	15	19	26	32
Bolton										7	11	10	13	12	17	18	23	24	22	27
Bristol										77	85	84	79	63	51	44	36	27	20	8
Canton	11	10	7	9	8	11	8	15	34	35	32	40	39	35	43	40	39	40	37	45
Cromwell									4	3	5	6	10	14	32	39	41	42	47	57
East Granby										11	11	8	9	13	25	24	20	15	23	29
East Hartford																				0
East Windsor									4	13	22	30	30	28	52	47	43	46	38	42
Ellington															11	15	10	10	18	33
Enfield									13	20	35	46	64	57	70	75	77	73	77	69
Farmington	104	113	124	134	134	132	108	96	92	84	77	82	92	85	83	91	94	96	95	87
Glastonbury	35	51	53	61	60	52	50	45	46	41	38	37	29	34	40	44	41	48	46	48
Granby	25	20	28	25	28	24	29	30	31	29	33	29	30	27	28	37	52	72	76	76
Hartford										45	93	96	16	9			1	1	0	32
Manchester	98	92	99	84	71	55	35	32	24	16	10	5	4	4	2	1				0
New Britain											1	5	13	4	2	1				0
Newington	85	75	62	60	48	50	54	49	50	49	48	50	51	53	56	56	54	52	53	55
Plainville	43	42	39	40	39	43	48	42	36	41	35	49	55	53	59	63	59	55	51	48
Portland																				12
Region 10										11	8	6	6	5	7	11	8	8	6	6
Rocky Hill									4	8	11	19	29	35	46	43	34	28	26	25
Simsbury	74	76	73	73	67	58	64	58	54	64	73	64	70	71	88	99	93	99	94	99
Somers										3	5	10	12	15	14	16	18	24	24	21
Southington									10	14	14	13	12	11	9	16	55	60	10	7
South Windsor	49	39	38	34	44	42	43	43	49	57	60	60	63	57	56	51	19	13	71	90
Suffield	8	7	2	1		12	16	15	23	25	24	27	24	16	20	21	23	24	25	38
Vernon										8	18	28	33	38	41	42	41	37	32	29
West Hartford	195	179	155	131	112	87	62	44	36	28	18	32	33	43	51	59	77	87	89	98
Wethersfield									8	11	11	14	16	17	14	13	13	13	29	43
Windsor										9	29	26	23	19	15	12	13	12	10	7
Windsor Locks									3	7	10	13	18	21	24	27	29	31	36	39
TOTALS	727	704	680	652	611	566	517	469	524	735	847	925	919	879	1000	1053	1069	1106	1129	1263